

JUSTICE AND PUBLIC SAFETY CABINET
Department of State Police
(Amendment)

502 KAR 10:030. Instructor's license.

RELATES TO: KRS ~~332.204~~~~[332.030]~~

STATUTORY AUTHORITY: KRS 15A.160, 332.204, 332.216 ~~[332.400]~~

NECESSITY, FUNCTION, AND CONFORMITY: KRS 15A.160 and 332.100 provide that the ~~department~~ ~~[Secretary of the Justice Cabinet in cooperation with the Commissioner, Department of State Police,]~~ may adopt such administrative regulations necessary to carry out the provisions of KRS Chapter 332. This administrative regulation establishes the department's policy regarding the licensing of driver training instructor.

Section 1. Each person desiring to be licensed as a driver training instructor shall submit an application on the department's Web site. Additional materials may also be submitted online, including the supporting documentation and the fingerprint background check ~~[must make application on forms furnished by the department. The forms shall consist of sections dealing with the personal history of the applicant and include a physical examination report signed by an examining physician].~~

Section 2. The driver training instructor license application shall ~~[must]~~ indicate the name and address of the driver training school employing the applicant and shall ~~[must]~~ be signed by an agent or representative of the driver training school. The application shall ~~[must]~~ be verified under oath and signed by the applicant.

Section 3. The driver training instructor license applicant may be licensed as an instructor upon ~~[Upon]~~ receipt by the department of the following:

- (1) A ~~[a]~~ duly completed driver training instructor application,
- (2) A refundable fifty (50) ~~[together with a nonrefundable twenty (20)]~~ dollar fee in the form of a certified check or money order made payable to the Kentucky State Treasurer,
- (3) A refundable twenty (20) dollar background check fee in the form of a certified check or money order made payable to the Kentucky State Treasurer;
- (4) Three (3) one ~~[one (1) set of fingerprints of each digit on right and left hands, three (3) one]~~ and one-half (1 1/2) inch by one and one-half (1 1/2) inch identical photographs which show a full face view of his or her neck and uncovered head,
- (5) A physical examination report, including the results of an eye examination showing the visual acuity of the applicant to be at least 20/20 in one (1) eye and 20/40 in the other, or 20/30 in each eye separately with or without corrective lenses, and showing that the applicant is not lacking one (1) functional eye, hand, or foot,~~[and]~~
- (6) Proof~~[proof]~~ of age, ~~[and]~~
- (7) Proof of education, and
- (8) The~~[the]~~ results of the department's examination, if the applicant has obtained a passing score~~[favorable, the applicant may then be licensed as an instructor].~~

Section 4. The driver training instructor examination shall consist of:

- (1) A written theoretical examination prepared and administered by the department and embracing subject matter pertinent to the care, operation, and use of a motor vehicle on the highways, and to general safety principles and practices, both for the purpose of testing an appli-

cant's competency and fitness in the operation of a motor vehicle and in providing classroom instruction.

(2) The department may also test the applicant for depth perception, peripheral vision, and reaction time.

Section 5. All applicants who pass the instructor's examination and who are otherwise qualified will be issued a driver training instructor license certifying the instructor for both classroom and practical instruction and containing the instructor's photograph, the name and address of the licensee, and the name and address of the driver training school by whom he is employed.

Section 6. ~~If [Should]~~ a license ~~is [be]~~ lost, mutilated, or destroyed, a duplicate license will be issued upon proof of the date the license was lost or destroyed and the circumstances involving ~~the [such]~~ loss, mutilation, or destruction. If a license is mutilated, it shall be surrendered to the department. ~~[In the case of a mutilated license, the surrender of such license is necessary.]~~ A five (5) dollar replacement charge will be made for a duplicate license~~[all duplicates]~~.

Section 7. All expired, revoked, or suspended licenses shall ~~[must]~~ be surrendered to the department at the time of expiration, revocation, or suspension.

Section 8. Any applicant who has previously been licensed as a driver training instructor but has not been so employed within two (2) years preceding application shall apply ~~[will be treated]~~ as an original applicant.

Section 9. Any instructor who has had his or her license suspended or revoked or any applicant denied a license will be eligible to make application again six (6) months following the suspension, revocation, or denial.

Section 10. The department will not issue a driver training instructor license to any applicant who has been convicted of two (2) or more moving hazardous traffic violations within the two (2) year period immediately preceding the date of application.

Section 11. A driver training school is required to notify the department, in writing, of the termination of employment of an instructor or agent, or if there is any change in the address of any owner, partner, officer, or driving instructor.

PHILLIP J. BURNETT, JR., Commissioner

APPROVED BY AGENCY: August 24, 2021

FILED WITH LRC: August 26, 2021 at 4:30 p.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall be held on 8:00 a.m. on November 22, 2021 at 4449 Kit Carson Drive, Funderburk Building, Richmond, Kentucky 40475. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through 11:59 p.m. on November 30,

2021. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person below.

CONTACT PERSON: Amy Barker, Assistant General Counsel, 125 Holmes Street, Frankfort, Kentucky 40601, phone (502) 564-8207, fax (502) 564-6686, email Justice.RegContact@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact person: Amy Barker

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the department's policy regarding the licensing of driver training instructors.

(b) The necessity of this administrative regulation: This regulation is necessary in order to carry out the provisions of KRS 15A.160, 332.204, and 332.216.

(c) How this administrative regulation conforms to the content of the authorizing statutes: This regulation conforms to the authorizing statute by providing guidance to the promulgated regulations implementing KRS 15A.160, 332.204, and 332.216.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: The regulation assists in the administration of the statutes by clarifying the statutory authority and the procedures required to be a driver training instructor.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: The amendment accurately reflects the statutory authority and clarifies the required procedures to become an instructor under this Chapter.

(c) How the amendment conforms to the content of the authorizing statutes: This amendment conforms to the authorizing statute by providing guidance to the promulgated regulations implementing KRS 15A.160, 332.204, and 332.216.

(d) How the amendment will assist in the effective administration of the statutes: The amendment clarifies the statutory authority.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: The Department of Kentucky State Police; driver training schools; driver training school instructors.

(4) Provide an analysis of how the entities identified in the previous question will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions each of the regulated entities have to take to comply with this regulation or amendment: No new or additional actions will have to be taken by the regulated entities in order to effectively comply with this amended regulation.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities: Nothing.

(c) As a result of compliance, what benefits will accrue to the entities: They will benefit from having the correct statutory authority cited.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: None.

(b) On a continuing basis: None.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: Not applicable.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No increase in fees will be necessary.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: No, this regulation does not establish any new fees; nor does it directly or indirectly increase any fees.

(9) TIERING: Is tiering applied? No. Tiering was not appropriate in this administrative regulation because the administrative regulation applies equally to all those individuals or entities regulated by it.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

(1) What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? The Department of Kentucky State Police; driver training schools; driver training school instructors.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS 15A.160, 332.204, and 332.216.

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect. If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? None.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? None.

(c) How much will it cost to administer this program for the first year? Nothing.

(d) How much will it cost to administer this program for subsequent years? Nothing.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-): None.

Expenditures (+/-): None.

Other Explanation: None.